

Vol. III—1937



Council Debates
Official Report
Bengal Legislative Council
Third Session, 1937

Meetings held on the 10th, 13th, 14th, 15th, 16th,
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L

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W

63. Wilmer, Mr. D. H. [Bengal Legislative Assembly.]

BENGAL LEGISLATIVE COUNCIL DEBATES

(Official Report of the Third Session.)

Volume III—1937.

The Bengal Legislative Council.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 10th September, 1937, at 3 p.m., being the first day of the Third Session, pursuant to section 62 (2) (a) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair.

Fifty-seven members and eleven Ministers were present.

QUESTIONS AND ANSWERS

Hunger-strike in the Andamans.

1. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the Bengali political prisoners in the Andamans have given up hunger-strike?

(b) If so, from when?

(c) Will the Hon'ble Minister please state whether any deaths occurred among these political prisoners in the Andamans between the time of their taking to hunger-strike and the present time?

(d) Will the Hon'ble Minister please state whether forcible feeding was resorted to on those political prisoners?

(e) If so, upon how many?

(f) Will the Hon'ble Minister please state whether the Bengal Government enquired about the aforementioned forcible feeding?

(g) If so, what did they come to know?

(h) Will the Hon'ble Minister please state whether the Government of Bengal keep themselves duly posted of all information regarding the Bengali political prisoners sent out of Bengal?

(i) Will the Hon'ble Minister please state whether Government intend to repatriate those Bengali political prisoners in the Andamans?

(j) If so, when?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) and (b) All Bengali terrorist prisoners with the exception of four abandoned the strike on the 28th August last.

(c) No.

(d) and (e) I presume that the officers in charge of the convicts caused those who required such treatment, to be artificially fed in order that they might be kept alive.

(f) No.

(g) Does not arise.

(h) Matters of importance concerning these convicts are reported to this Government by the Government concerned.

(i) and (j) The attention of the hon'ble member is invited to the statement which I have made in this House in this connection.

Japanese Fishing in the Bengal Shores.

2. Mr. LALIT CHANDRA DAS: (a) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether Japanese trawlers operated and Japanese fishermen caught fish in the *Bengal side of sea coast* in the Bay of Bengal?

(b) Are they doing so still?

(c) Will the Hon'ble Minister please state whether they did so or do so as a matter of right or they took permission or held licence either from the Government of Bengal or the Government of India?

(d) Do the Japanese fishermen, catching fish as aforementioned in the Bay of Bengal, *challan* the fishes to the Calcutta market and sell them here?

(e) Will the Hon'ble Minister please state whether Government intend to preserve the Bengal side of the sea coast of Bay of Bengal as a preserve for Bengali fishermen only to catch fishes and sell them in Calcutta or other markets?

(f) Will the Hon'ble Minister please state what steps, if any, the Bengal Government are taking to foster the growth of the fishing industry in Bengal by Bengalis?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (a) So far as is known, no Japanese trawler has ever operated and caught fish within territorial waters in the Bay of Bengal.

(b) to (d) Do not arise.

(e) Bengalis have so far shown little inclination to embark on sea fishing within or without territorial waters. If it should become necessary in the interests of Bengali fishermen to do so, Government would certainly take steps to control sea fishing by outsiders in Bengal territorial waters.

(f) The hon'ble member is referred to the answer given to clauses (d) to (g) of question No. 120 given at the meeting of this Council on the 16th August last.

Duty on Spirit.

3. Mr. KAMINI KUMAR DUTTA: (a) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state if the Government are aware that the progress of the spirit industry is being greatly hampered owing to the varying excise restrictions which exist from province to province?

(b) If so, has the pharmaceutical industry or any other allied industry been affected by such restrictions also?

(c) Is the Hon'ble Minister aware that while spirituous medical and toilet preparations made in India are being thus hampered, the imports from overseas are not subject to excise restrictions and enjoy free transport movement throughout India?

(d) If the answers to (a), (b) and (c) be in the affirmative, will the Hon'ble Minister be pleased to state whether the Government of Bengal contemplate moving the Government of India to adopt—

(i) a uniform low rate of Excise duty on spirituous medicinal preparations throughout India;

(ii) to collect the duty at the places of manufacture, i.e., the factories and the bonded ware-houses; and

(iii) to distribute it among the Provinces and States *pro rata*?

(e) If the answer to (d) be in the negative, do the Government contemplate concluding some agreement with the Government of other Provinces for recovery of Excise duty on export from Bengal?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (a) and (b) Representations to this effect have been received from the trade.

(c) Yes.

(d) These are matters of provincial Excise to which the executive authority of the Central Government does not extend.

(e) Yes. Action has already been taken in this direction, and agreements have been arrived at with some Provinces.

A conference of Provincial representatives is contemplated, to secure uniformity, if possible, throughout India.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state with what provinces agreements have been arrived at?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I cannot say off-hand. I want notice.

Alternating and Direct Current.

4. Mr. KAMINI KUMAR DUTTA: (a) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether the voltage of alternating current used by the Calcutta Electric Supply Corporation Limited and other electric supply companies in the province varies from 220 and upwards and in some places it goes even up to 600?

(b) Is it a fact that the cost of production for the alternating current is cheaper than the cost of direct current?

(c) Are the Government aware that the consumers are charged at the same rate for both kinds of current?

(d) If so, is the Hon'ble Minister aware of the tragic dangers involved in the use of alternating current?

(e) Will the Hon'ble Minister be pleased to state what steps the Government intend to take to stop the supply of the alternating current? If not, why not?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (a) The voltage of alternating current used varies from 220 to even 600 in some places.

(b) In computing as to whether alternating current is cheaper than direct current many factors, e.g., size of power stations, areas of supply, loads, etc., have to be taken into account, and it is not always, therefore, that alternating current is cheaper than direct current. In any

event I am not aware that there is any considerable difference in the producing cost.

(c) The charges for both are the same in Calcutta.

(d) and (e) I understand that the principal causes of electrical accidents are misuse of apparatus, faulty installation work and failure to comply with the Indian Electricity Rules which have been framed to provide for the protection of persons and property from injury. It is probable that the same tragic occurrences would have taken place even with direct current. I, therefore, do not propose to take any steps to stop the supply of alternating current.

Managing of the Jute Mills.

5. Mr. KAMINI KUMAR DUTTA: (a) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state the number of jute mills in Bengal managed by the Bengalis and of those by the non-Bengali Indians and of those registered outside India?

(b) Will the Hon'ble Minister please state the average income by way of salary, commission, etc., from every maund of jute for the past five years derived by the non-Indian Managing Agents and owners of the jute mills of Bengal by the export of raw jute and jute goods for the past five years?

(c) Will the Hon'ble Minister please state the average profits of the jute mills of Bengal for the past five years and the net average monthly income *per capita* of the jute mill labourers for the past five years and the average price per maund of jute actually got by the jute producers for the past five years?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:
I have no information on the subject.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to make enquiries to have information on the subject?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:
It is practically impossible to make an enquiry, as it will take a long time.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state how it is impossible to obtain the information asked for?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:

The amount of labour and time that will be required to collect the information, will take years, as the information will have to be obtained from the jute mills, labourers, etc., and as such I do not know how it will be possible to make an enquiry and get the information within a reasonable time.

Mr. KAMINI KUMAR DUTTA: Is it not worthwhile and really is it not useful to have the information which concerns the principal trade of Bengal.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:

It is a matter of opinion.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Some of the questions are meant really for the Ministry of Labour to answer. For example, income *per capita* of the labourers is a matter which concerns the Ministry of Labour as also the question of the average profits of the jute mills of Bengal. Will Mr. President please enquire whether the third question should not have been sent to the Minister in charge of Labour for answer?

Release of Detenus.

6. Mr. KAMINI KUMAR DUTTA: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether the Government intend wholesale unconditional release of all political prisoners, detenus and internees and wholesale withdrawal of restrictions where restrictions exist?

(b) If the answer to (a) be in the affirmative, will the Hon'ble Minister be pleased to state when they will be released or when the restriction orders will be withdrawn?

(c) Will the Hon'ble Minister please state if in the case of release or withdrawal of restriction orders, it will be the policy of the Government to grant everyone a consolidated sum sufficient for start in life, befitting the status to which he belongs or to make other suitable provision for everyone?

(d) If the answer to (c) be in the negative, will the Hon'ble Minister please state if they will be put to open trial, and, if not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: A general release of persons convicted of murder, dacoity and other offences committed in furtherance of political movements is not contemplated. The policy

of Government in regard to persons in preventive detention was stated in this House on the 16th August last.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state if, in addition to the statement made on the 16th August last which was of a general character, any other specific statement is to be made regarding the policy already adopted or going to be adopted?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think that on the 16th August I made a detailed statement—not a general statement—of policy as regards persons under detention and it was stated categorically under various heads 1, 2, 3 and 4.

Information about Detenus and Banned Organisations.

7. Mr. KAMINI KUMAR DUTTA: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

- (i) the number;
- (ii) the name;
- (iii) the residence;
- (iv) the age; and
- (v) the place of detention or internment of all the political prisoners and detenus and internees who have been convicted for technical breach of the restraint order with nature of the breach of the order and the sentence therefor?

(b) Will the Hon'ble Minister please state—

- (i) the number;
- (ii) the name;
- (iii) the location; and
- (iv) the duration of the order of ban of all institutions, organisations or *Samitis* still under ban?

(c) Will the Hon'ble Minister please state if and when the order of ban will be removed from all or any of these institutions, organisations or *Samitis*?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) I regret that the collection of material for the preparation of the statement desired by the hon'ble member would involve an expenditure of time and labour which Government are unable to undertake.

(b), (i) to (iii) A statement is laid on the Library table.

(iv) The orders will continue until they are cancelled.

(c) No decision has been arrived at.

Mr. KAMINI KUMAR DUTTA: As to (b) (iv), the order of ban on some institutions and organisations and *Samitis*, is the Hon'ble Minister considering the cases of these institutions at all?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir. They are being considered and Government policy is one of progressive amelioration and we are relaxing these orders as soon as we think them desirable to do so.

Mr. KAMINI KUMAR DUTTA: Has the ban actually been removed from any of these institutions within the last one month?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. KAMINI KUMAR DUTTA: Is the Hon'ble Minister contemplating to lay down any principle for the public to understand on what principle these bans will be removed?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I can remember, the bans are now only applied in one district, namely, Midnapore, and there have been considerable relaxations of the various restrictive orders and Government are watching the effect of these withdrawals and as soon as they think it will be advisable, Government will consider the question of removing the ban in the district of Midnapore.

Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister be pleased to state whether he is considering the question of ban on several organisations in the Tippera district?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether the ban on Comilla Abhoy Asram is going to be removed?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is under consideration.

Revisional Settlement.

8. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether Revisional Settlement Proceedings are conducted under the Bengal Tenancy Act?

(b) Will the Hon'ble Minister please state whether the Bengal Tenancy Act is not shortly going to be amended?

(c) If so, does the Hon'ble Minister consider it desirable that the Revisional Settlement Proceedings should continue before the Bengal Tenancy Act is amended?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (a) and (b) Yes.

(c) Government have already announced that no revisional district settlement would be undertaken in the current year.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: As revisional settlement includes Khas Mahal Settlement also, will the Hon'ble Minister be pleased to state whether it is contemplated that the Khas Mahal Settlement will continue, although it is contemplated that all enhancement proceedings will be provisionally stopped?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: The District Revisional Settlements do not include the Land Revenue Revisional Settlements.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: My question was whether the revisional settlement proceedings are contemplated and whether they are going to be continued.

The Hon'ble Sir BIJOY PRASAD SINCH ROY: District Revisional Settlement operations will be discontinued but Land Revenue Revisional Settlement where necessary will be undertaken.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: In spite of the fact that there will be no enhancement and all proceedings for enhancement will be stopped?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: Yes, Sir; if necessary, it will be. Besides enhancement, there may be other grounds on which it may be necessary to undertake Land Revenue Revisional Settlement from time to time.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the Hon'ble Minister please state what are those other grounds?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: To keep the records up-to-date.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: If the zemindars can keep their records up-to-date without District Revisional Settlement, why should not the Khas Mahal be able to do so also?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government do not admit that it will be possible for the zemindar to keep the records up-to-date without Revisional Settlement Operations, but if the Legislature expresses its wishes that at least in the current year there should be no Revisional Settlement Operations in Midnapore, Government out of deference to the wishes of the Legislature may decide to discontinue it in the current year.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: But there is a special Khas Mahal staff to keep records of the proceedings and of the subsequent changes. Why should there be any necessity of revisional settlement within fifty years?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It will not be wise in the opinion of Government.

Rai MANMATHA NATH BOSE Bahadur: Will the Hon'ble Minister be pleased to state if the revisional settlement in Midnapore will be finished within the course of next year?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have not yet come to any decision on that point.

Services of Clerks in the Settlement Department.

9. Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (a) Is the Hon'ble Minister in charge of the Revenue Department aware that a large number of posts of clerks, *muharrirs* and peons of the Settlement Department have already been or are going to be abolished shortly for want of work in the department?

(b) Will it not further accentuate the unemployment question which has already become acute?

(c) Is the Hon'ble Minister contemplating to employ the efficient hands of the Settlement Department in various other departments of the Collectorate and in Debt Settlement Boards?

(d) Is the Hon'ble Minister considering the desirability of granting suitable compassionate pensions or gratuity to such of them as have rendered long service but have become too old now to be eligible for further employment?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) and (b) Yes.

(c) It is usual in such cases for the head of the department to circulate the list of suitable and efficient hands to the different departments of Government for consideration while filling up vacancies. I have no doubt that their cases will be favourably considered by the different departments.

(d) No, as under the terms of their employment they are not entitled either to pension or gratuity.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Do the Government consider the desirability of granting compassionate gratuity out of that discretionary grant to these discharged employees, although it may not be within the terms of their employment?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is the Hon'ble Minister aware of the fact that under similar circumstances employees discharged from Government service, have been given compassionate allowances in other departments?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, I am not aware of it.

Mr. RANAJIT PAL CHOUHDURY: Will the Hon'ble Minister be pleased to consider the desirability, when filling up the next vacancies, of giving the discharged clerks the first preference?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government cannot commit themselves to any definite policy but as I have stated the Heads of Departments will, in filling up vacancies, certainly take into consideration the claims of these discharged Government servants.

Troop march past Muragachha High English School.

10. Mr. BANKIM CHANDRA DATTA (on behalf of Dr. Radha Kumud Mookerji): (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that on or about the 10th February, 1937, a company of troops marched past the Muragachha High English School in Nadia district?

(b) Is it a fact that the boys of the said school were assembled by its authorities on the roadside under the direction of its President to salute the troops?

(c) If the answer to both these questions be in the affirmative, will the Hon'ble Minister be pleased to state if such an enforced salutation to the military is a salutary measure for the upbringing of the boys?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) and (b) I understand that the facts are as follows:—It is true that a company of troops marched past the Muragachha School on, or about the 10th February, 1937, and the boys were assembled on the roadside. They were not ordered to salute, but many of them did so of their own accord.

(c) There was no enforced salutation and the question does not arise.

Reserve Forest in Chittagong.

11. Mr. NUR AHAMED: (a) Has the attention of the Hon'ble Minister in charge of the Excise and Forest Department been drawn to the hardships and inconveniences which are being suffered by the villagers living round about the reserve forest in the Chittagong district on account of the enforcement of present rules and regulations about reserve forests?

(b) Is the Hon'ble Minister considering the desirability of appointing a committee to go into the working of present forest laws and regulations with a view to their modification in such a way that the poor villagers may be benefited from the reserve forests in the same way as they are being benefited in the province of Burma?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (a) Yes, but the hardships and inconveniences to which the villagers living in forest borders in Chittagong, are said to be subjected by the present forest rules, are more imaginary than real. The existing transit rules are identical with those previously in force with such modifications as present circumstances demand. The rates of royalty for grazing, fuel, bamboos, etc., are too low to require revision. They allow a good margin of profit if the produce extracted from forests by the villagers is sold in the market.

(b) No.

Penalty from Defaulting Proprietors.

12. Mr. NUR AHAMED: (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state how much money was realised as penalty from the defaulting proprietors of *tarafs* and *taluks* in the district of Chittagong in the year 1935-36?

(b) What was the highest rate of penalty realised in that year?

(c) Is the Hon'ble Minister considering the desirability of promulgating new rules in supersession of the present rules?

(d) If so, is the Hon'ble Minister considering also of the desirability of reducing the rate of penalty by at least 50 per cent. in order to give relief to the defaulting proprietors already under economic depression?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) Rs. 7,927.

(b) to (d) The highest rate of penalty realised amounted to 40 per cent. of the arrears. The framing of new rules is not under consideration, as Collectors have already been given instructions to be lenient with penalties. But Government will make enquiries to ascertain whether sufficient leniency has been shown in Chittagong district.

Estates sold for Default in Payment of Revenue.

13. Mr. NUR AHAMED: (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state how many estates were sold for default in payment of revenue in the Chittagong district in 1935-36?

(b) How many were permanent estates?

(c) How many were temporary estates?

(d) How many were *taluks*? How many of them were purchased at Re. 1 by Government in that year?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) 1,273.

(b) 326.

(c) and (d) No separate figures for *taluks* and other temporary estates are readily available. The number of temporarily settled estates, including *taluks*, purchased by Government in 1935-36, was 177.

Accommodation in Chittagong College.

14. Mr. NUR AHAMED: (a) Has the attention of the Hon'ble Minister in charge of the Education Department been drawn to the utter inadequacy of accommodation in the Chittagong College for the large number of boys seeking admission?

(b) Is the Hon'ble Minister considering the desirability of sanctioning at an early date the scheme already submitted for extension of the Chittagong College building?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (a) Yes.

(b) The scheme will be duly considered by Government while preparing the next year's budget estimate.

Culturable Land in Reserve Forest.

15. Mr. NUR AHAMED: (a) Is the Hon'ble Minister in charge of the Forest and Excise Department aware that there is about half a lakh acres of culturable land within the range of Chakaria Sundarbans Reserve Forest range of Chittagong?

(b) If so, will the Hon'ble Minister please state—

(i) how much of this is being actually cultivated; and

(ii) how much is lying fallow?

(c) What is the annual income from this reserve?

(d) What is the annual cost incurred for maintaining the same?

(e) Does the Hon'ble Minister intend—

(i) to deforest these lands; and

(ii) to distribute the same among the landless cultivators?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (a) No. The area of the Chakaria Sundarbans Forest Reserve is 18,500 acres only.

(b) No cultivation is allowed inasmuch as cultivation in the Reserve Forests is against the principles of forest conservation.

(c) and (d) In the past this reserve yielded about Rs. 11,000 per annum, against the annual proportionate cost of management amounting to about Rs. 3,000. With adequate protection now afforded under the new working plan prescriptions it is expected that the income will steadily increase.

(e) No. It is a matter of great public importance that existing forests should be preserved.

Classification of Prisoners.

16. Rai BROJENDRA MOHAN MAITRA Bahadur: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state on what principles are prisoners classified in A, B and C Divisions?

(b) Is it a fact that in such classification the mode of living of the prisoner immediately before his arrest is the determining factor?

(c) Is it a fact that the status and the mode of life of the prisoner's family are not taken into consideration?

(d) If the answer to (c) be in the affirmative, is the Hon'ble Minister considering the desirability of—

(i) modifying the principles now adopted; and

(ii) taking into consideration the status, respectability and the mode of living of the family to which the prisoner belongs?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) The attention of the hon'ble member is invited to Rule 617 of the Bengal Jail Code, Volume I, a copy of which is in the library.

(b) Yes.

(c) No.

(d) As I have stated elsewhere, I shall shortly examine the rules of classification of prisoners.

Pension for Government menial servants.

17. Khan Bahadur Maulvi MOHAMMAD IBRAHIM: (a) Is the Hon'ble Minister in charge of the Finance Department aware that the menial servants of the Government are subject to great hardship due to the absence of full pension?

(b) If so, does the Hon'ble Minister contemplate to allow these menials full pension like officers of the higher ranks?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (a) I have no such information.

(b) Does not arise.

Result of Matriculation and Intermediate Examinations.

18. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Education Department be pleased to state what is the annual percentage of successful and unsuccessful candidates among Hindus and Mussalmans in the Matriculation and Intermediate Examinations of the Calcutta University and of the Dacca Intermediate Board respectively, for the last ten years?

The Hon'ble Mr. A. K. FAZLUL HUQ: The statements obtained from the Calcutta University and the Board of Intermediate and Secondary Education, Dacca, on the subject are laid on the Library table.

Record-of-rights.

19. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing the following particulars for each of these districts in which preparation of record-of-rights is completed:—

(a) actual amount of expenditure incurred;

(b) amount apportioned to landlords and tenants respectively;



- (c) amounts actually realised from them respectively;
- (d) the amount realised in excess over the amount of apportionment on the landlords and tenants respectively; and
- (e) how the excess amount has been appropriated?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) to (d) a statement giving the information is placed on the Library table.

(e) Before 1921 all excess recoveries were credited to the Government of India while from 1921 these were credited to Provincial Revenues just as any deficit would have been met from that revenue.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state whether there is any district in which there was a deficit?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am not aware of that.

Khan Bahadur ATAUR RAHMAN: As the statement was prepared by the Hon'ble Minister, how does he say that he is not aware of it? The statement is not before me even.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is not before me either.

Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister be pleased to state what Government intend to do with the excess which will appear in the collections in districts in which the settlement is not completed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is a hypothetical question, Sir. Government are not yet aware whether there will be any deficit or any excess in any of the districts.

Khan Bahadur ATAUR RAHMAN: Supposing there is a deficit.

Mr. PRESIDENT: Khan Bahadur, hypothetical questions cannot be allowed. On a point of order, you can ask whether there is any deficit or not.

Excise Sub-Inspectors.

20. Khan Bahadur ATAUR RAHMAN: Will the Hon'ble Minister in charge of the Forests and Excise Department be pleased to state—

- (a) how many vacancies occurred during the current year in the cadre of Excise Sub-Inspectors;

- (b) whether the vacancies have already been filled up;
- (c) if so, what are the number of Hindus and Mussalmans among the appointments made;
- (d) whether any ratio has been fixed for communal representation in these services; and
- (e) if so, what is the ratio for the different communities?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (a) Five vacancies occurred in the current calender year, besides fourteen vacancies which were remaining unfilled from the previous year.

(b) Sixteen vacancies have been filled up recently.

(c) to (e) The appointments made were as follows:—

Muhammadan	...	...	6
Caste Hindu	...	...	6
Scheduled Caste	...	...	2
Indian Christian	...	...	1
Hillman	...	...	1

Muhammadau representation is fixed at a minimum of 33½ per cent.

Khan Sahib ABDUL HAMID CHOWDHURY: Will the Hon'ble Minister be pleased to state what he means by "hillman"?

The Hon'ble Mr. PRASANNA DEB RAIKUT: A man of the hilly country.

Crop prospect in the Burdwan Division.

21. Mr. KANAI LAL GOSWAMI: (a) Is the Hon'ble Minister in charge of the Revenue Department aware of the unfavourable prospect of crop in the Burdwan Division owing to scanty rains, coming immediately after a year of dire famine?

(b) If so, will he be pleased to state what steps, if any, have been taken to avert the disaster?

(c) Does the Hon'ble Minister contemplate relaxing the irrigation charges and restrictions in order that facilities of such cultivation, wherever available, may be enjoyed by the maximum number of people?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) The latest information received from the Divisional Commissioner shows that recent rains have improved crop prospects considerably in every district of the Burdwan Division.

(b) No agricultural disaster is at present considered likely but the situation is being closely watched.

(c) The reference to "restrictions" is not understood. As regards irrigation charges, some relaxation has already been granted as regards

the 1936-37 assessment. The question of relaxing the 1937-38 assessment does not at present arise.

Mr. KANAI LAL GOSWAMI: Will the Hon'ble Minister be pleased to state if it is a fact that the agriculturists are required to pay in advance a portion of the total charges assessed as a condition precedent to the supply of water?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am not aware of it.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: On a point of information, Sir. On the last occasion we were told that the outstanding answers would be given at this session, but we do not find them here, although we gave notice of the questions.

Mr. PRESIDENT: I shall see to it.

Mr. HUMAYUN KABIR: Sir, if we gave notice of such questions, are we not entitled to have the answers within fifteen days? If so, there were some questions outstanding from the last session and you, Sir, were pleased to permit the Hon'ble Ministers in charge of the respective departments to carry forward those questions to this session.

Mr. PRESIDENT: So far as I remember the Hon'ble Finance Minister said that the outstanding questions would not be allowed to lapse. However, I shall see to it and I hope there will be no objection from the administrative departments concerned.

Mr. HUMAYUN KABIR: Sir, is there no time-limit to such questions? I gave notice of one particular question on the 10th of July last, and I submit that after that sufficient time has elapsed to enable the administrative departments and even our Council Department to print up the question and answer.

Mr. PRESIDENT: If you give the particulars to the Secretary, he will see to the matter.

Short-notice question.

Mr. PRESIDENT: There was a short-notice question but I think it has not been accepted by the Hon'ble Minister.

The Hon'ble Khwaja Sir NAZIMUDDIN: So far as the question relating to my department is concerned, I hope to reply to it on Monday; the answer is not yet ready.

Mr. LALIT CHANDRA DAS: Sir, I had another short-notice question relating to the department of the Hon'ble Chief Minister.

The Hon'ble Mr. A. K. FAZLUL HUQ: I saw the question just now and I will reply to it at the next sitting of the House.

Motion on Question of Privilege.

Mr. PRESIDENT: The answers will be given on Monday next.

I like to take up item 3 in preference to item 2 of the list of business. I have received a letter from Mr. Ormond about the resolution.

It is a well-established parliamentary practice that any urgent motion directly concerning the privilege of the House will take precedence over all other motions as well as the Orders of the Day. Most of the privileges rest solely upon the law and custom of Parliament, while others have been defined by statute. Our House has the privilege to make its own rules for regulating the procedure and conduct of its business, subject to the limitations where the Governor makes rules after consultation with the President in the sphere of his special responsibilities.

As this motion of Mr. Ormond refers to the making of rules of business of the House, I hold that the motion is one relating to the privileges of members, and so I call upon Mr. Ormond to move his motion.

Mr. E. C. ORMOND: Sir, I have to thank the House and you for admitting this motion, over which, I hope, we will not take any great length of time.

Sir, in moving the motion I desire only to make one or two explanatory remarks. The first is that perhaps the hon'ble members will notice that there has been a printer's error in the second line of the motion. Of course, the object of the motion is to obtain "with the least possible delay" and not "without the least possible delay." Now, Sir, the intention of this motion is simply for the benefit of all individual members and all parties of this House in order to save time and unnecessary labour in the Committee which is being appointed to frame these rules——

Mr. PRESIDENT: Mr. Ormond, it would be better for you to move the Resolution first of all.

Mr. E. C. ORMOND: I beg to move that this Council is of the opinion that, in order to obtain with the least possible delay, the greatest possible benefit from the deliberations and report of the Committee recently appointed in regard to the making of the new rules of this Council, it will be advisable that any suggestions which hon'ble members may desire to make in regard to the new rules should be made available for the consideration of the Committee, if possible, before the holding of the first sitting of such Committee, and in any event before, and not after, the making of its report. To this end it is now resolved that all members be to-day invited to communicate any suggestion regarding any matters which they consider ought to be

embodied in the new rules to the Secretary of the Council immediately or as early as possible; and that the Secretary of the Council be directed to submit such communications before the Committee forthwith.

The object of this motion, I trust, is to save hon'ble members from doing the same thing over and over again. I take it that the Committee will make draft rules and those draft rules will be submitted to this House. Under section 84 of the Government of India Act, 1935 it is for this House to frame its rules and therefore if the Committee were to start the work before knowing what the views of the individual members of this House were, it might take a lot of time and trouble in framing rules which would be found not in keeping with the wishes of the hon'ble members of this House. There is one point which may possibly be of interest to members and on which they might care to express their views, and it is this. If there were no rules in this House, there might be a certain amount of ambiguity as to the method and procedure which should be adopted in this House for the maintenance of order. I understand that in the House of Lords in England, the maintenance of order is a matter which is in the hands of the members of that body and not in the hands of the Speaker. It has been authoritatively stated in May's Parliamentary Practice as follows (at page 189): "The position of the Speaker of the House of Lords is somewhat anomalous for though he is the President of a deliberative assembly, he is invested with no more authority than any other member. Upon points of order, if a peer, he may address the House; though, if not a member, his office is limited to the putting of questions and other formal proceedings." Then there is an example showing the extent to which this same principle is carried, in regard to the right of priority to speak among the members of the House of Lords. You will find, Sir, at page 304, that "owing to the limited authority of the Lord Speaker in directing the proceedings of the House of Lords, the right of a peer to address their lordships depends solely upon the will of the House. When two peers rise at the same time unless one immediately gives way, the House calls upon one of them to speak and if each be supported by a party, there is no alternative but a division." Now, everybody will appreciate, hon'ble members will appreciate and you, Sir, will appreciate that that would in all cases entail unnecessary delay and waste of time; and in some cases, I venture to suggest, it might result in a veritable pandemonium.

Mr. PRESIDENT: Mr. Ormond may know that the Lord Chancellor may not be a member himself of the House of Lords.

Mr. E. C. ORMOND: I am much obliged to you, Sir, for reminding me of that; we would never be ourselves in that position. But if there were no such rules, there might be ambiguity as to how order in this House was to be maintained. Another example which appears to me

to be of interest is as follows: It arises in connection with the enforcement of rules for maintaining order. The Speaker of the House of Lords has no special authority to call a peer to order. I will quote the exact words of the passage in May's Parliamentary Practice (13th edition) at page 338:—

"In the enforcement of all these rules for maintaining order, the Speaker of the House of Lords has no more authority than any other peer, except in so far as his own personal weight and the dignity of his office may give effect to his opinions and secure the concurrence of the House. The result of his imperfect powers is that a peer who is disorderly is called to order by another peer, perhaps of an opposite party; and that an irregular argument is liable to ensue, in which each speaker imputes disorder to the last and recrimination takes the place of orderly debate. There is no impartial authority to whom an appeal can be made, and the debate upon questions of order generally ends with satisfaction to neither party, and without any decision upon the matter to which exception had been taken."

Well, Sir, I am not aware of any provision of the Government of India Act, 1935—I am not speaking as having looked into this matter exhaustively—which provides at all in any respect for the maintenance of order in this House. Under the Rules and Standing Orders now provisionally existing, there is a very definite rule which vests in you, Sir, the right to decide all points of order. [Section 13 says, "The President shall decide all points of order which may arise and his decision shall be final." I, speaking for myself, and, I believe, every hon'ble member of this House, would prefer that that position should be perpetuated, so that we would not be put in that position of disorder which might arise under the antiquated procedure of the House of Lords. That is one of the reasons, Sir, why I suggest that this motion should commend itself to the hon'ble members. The hon'ble members will at once appreciate that if the Committee were to frame a draft set of rules on the basis that order was to be maintained by the House itself, and if it was found after that that the House was in favour of the President having complete power to decide all points of order, the framing of the first draft set of rules would turn out to have been a mere waste of time; for this is a fundamental matter which might affect the nature and framework of the whole set of rules. There will be other points which will affect the matter in a similar way. If the Committee should feel that it should frame rules on one basis and if the House did not wish to adopt that basis which the Committee had suggested, then there would inevitably be waste of time and labour through the work having to be done over again. What I would respectfully suggest to the House is that hon'ble members may set out their views as suggested in the motion to the Secretary on this point and not only on this point but on all other points which they desire to be embodied in the new rules. Then the

Committee will be in a position to frame its rules in accordance with the wishes of the House from the very beginning and this will save a considerable amount of time.

There are, of course, various other points on which members may desire to submit their views which I need not go into. There are rules regarding questions, rules regarding the closure and the effect of the closure—and you will have noticed that the rules regarding the closure in the provisional rules are not as complete as those in the House of Commons in England, as they do not provide for outstanding business being taken up at the moment of interruption, as a result of a motion of closure in the way that is provided for in the rules of the House of Commons.

There is one other point of a different nature on which possibly hon'ble members might desire to send in their views to the Committee and that is this. What steps, if any, hon'ble members desire to be taken to co-ordinate the rules of this Council with the rules of the Assembly? I take it that we in Bengal would not be anxious to have two sets of very divergent rules for the two Houses. That, I tentatively suggest, would only lead to unnecessary difficulty in the conduct of political business in both the Houses.

There is only one other observation which I desire to make. I would like again to emphasise that the object of the motion is for the benefit of the House itself and for every individual of whatever party in the House.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: On a point of order, Sir. I should like to have your ruling as to whether it is possible to deprive the members of this House of their legitimate right to criticise any report which may be submitted by any Committee which is the creation of this House, because some part of the motion itself appears to be rather ambiguous. Is it possible that if this motion is carried, the House will be prevented from giving an expression of opinion with regard to the final report?

Mr. PRESIDENT: I think there is a misunderstanding. It is not suggested that it should be made final but what Mr. Ormond wants is only that before the Committee goes into consultation over all the suggestions, it will be profitable for them to get the preliminary views of the members. But that is not binding on the members nor are the members bound to offer their opinion at this stage alone. As soon as the Committee finishes the work, they will submit the whole thing before the House and it will have to be gone into by the House paragraph by paragraph.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: But I want to draw your attention to the particular line, namely, “and in any event before, and not after——.”

Mr. HAMIDUL HUQ CHOWDHURY: On a point of order, Sir. I think we should have an opportunity of——

Mr. PRESIDENT: I think that is not a point of order. The proper procedure would be to move an amendment to the motion and then the whole thing may be discussed on the floor of the House. The Maharaja has not raised a point of order but his is a proposal to delete the lines to which he has taken objection.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: If the Chair permits me, I shall certainly move an amendment, but my point of order was this: can the House be prevented by a motion like this from criticising the report when it is ready and finally submitted to the House? Then, Sir, I would move an amendment if you would permit me now to do so.

Mr. PRESIDENT: Yes, you may.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: I move that the words "of such Committee, and in any event before, and not after, the making of its report" be deleted, and also the words "immediately or as early as possible" be deleted, because it is impossible for members of this House to give any suggestion to the Committee immediately. They must be given sufficient and reasonable time to bring forward their proposition and to state their views.

The Hon'ble Mr. NALINI RANJAN SARKER: Mr. President, Sir, since the appointment of the Committee by this House for revision of rules, my department has been preparing a set of draft rules to be put before the members of that Committee. They are almost complete, and I hope to be able to get them printed and circulated amongst the members of that Committee very soon. Therefore, I think, that after the circulation of those draft rules it will be time when, after going through the rules, members might give their own suggestions, and then we should call a Committee for discussion and final decision. That, I think, will save the time and labour of the members of the Committee, and I hope that, in view of this, Mr. Ormond will not press his motion, because it will then become practically unnecessary. And so far as the other argument of Mr. Ormond is concerned, I have not been able to follow it, because no one here challenges your authority until the new rules are passed, and work can go on under the existing rules.

Mr. NARESH NATH MOOKERJEE: Mr. President, Sir, in view of what the Hon'ble the Finance Minister has stated, may I request you to kindly circulate these draft rules to all the members of this House.

THE HON'BLE MR. NALINI RANJAN SARKER: All, all.

Mr. NARESH NATH MOOKERJEE: If we are to accept Mr. Ormond's motion, which I think is a very good suggestion, then we ought to be able to be in a position to make suggestions, and I think we can do that only when those draft rules have been circulated to us, I mean the rules that have been or will be prepared by the department of the Hon'ble the Finance Minister. I just want to say one thing further. This is a special matter in which we are called upon to make our own rules. This is not really a matter which is as if it has been referred to a committee, and, I think, this procedure will help us considerably in putting forward our suggestions before that Committee, which might really help them in their deliberations.

Mr. HUMAYUN KABIR: Mr. President, Sir, the communication which has just now been made by the Hon'ble the Finance Minister seems to me startling, for I take it we appointed a Committee of this House to draft rules and we want this committee to draft rules with a fairly open mind. And, therefore, I do not understand how the department of the Hon'ble the Finance Minister or any other department comes into the picture. If the suggestion is that the Committee cannot proceed unless there is a set of working rules before it, then I say, Sir, that there are already a set of provisional rules that we have been following during the whole of the last session, and we can also follow them till the new rules come into force. I, therefore, draw your attention as to whether or not the circulation of a set of draft rules prepared by the department of the Hon'ble the Finance Minister is not an infringement of the privileges of this House, when this House has delegated its rule-making powers to that Committee.

Mr. HAMIDUL HUQ CHOWDHURY: Mr. President, Sir, speaking on this motion, I think it goes no further than this, that under the ordinary rules of this House there is this standing order, viz., that a committee which is appointed by this House can call witnesses to be examined on any point. It can also ask for opinion from persons whom it may choose or select, and Mr. Ormond's motion goes no further than this. He only re-affirms a provision which is already there, and he only suggests, so far as I understand his motion, he only brings to the notice of members the fact that they too can send in their own suggestions to the committee if they think it necessary, so that when the committee reports on the subject, it may embody and include all the suggestions which will appeal to it as good suggestions and frame rules and then present them before this. So these suggestions will be very helpful to the committee. Therefore, I do not see why there should be any objection to the adoption of this motion which goes no further than that. It is really a recommendatory motion and it is not binding on any body.

As regards the second objection raised by my hon'ble friend Mr. Humayun Kabir to the suggestion made by the Hon'ble the

Finance Minister, viz., that his department is preparing a set of rules and would circulate them amongst the members of this House, I do not see what earthly objection there can be, because he is not, by doing that, taking away any of the privileges that are in the hands of the committee. It will be merely the suggestions of Government, and Government will be placed in the same position as regards these suggestions just as if these suggestions came from a private member. Therefore, in that capacity also it will help the committee very much to have within a short compass a set of rules to which it may refer if necessary, and which at the same time it is at liberty to accept or reject. The committee may report on the same lines or on an independent line of their own. Therefore, my submission is that I support Mr. Ormond's motion, and I also see no objection to the observations made by the Hon'ble the Finance Minister, and I suggest that both may be recorded.

Mr. LALIT CHANDRA DAS: On a matter of information, Sir. On the last occasion the Hon'ble the Finance Minister moved a resolution for the appointment of a committee to frame rules regarding the procedure to be followed for the transaction of business in this House after getting the existing rules modified by His Excellency the Governor. The resolution that was passed then—or rather the last portion of it—runs thus; “.....during the consideration by the Council of such draft rules the procedure relating to Bills as set out in the Rules and Standing Orders as modified and adopted for this Council under sub-section (3) of section 84 of the Government of India Act, 1935, shall so far as may be, be followed.” Now, Sir, the procedure that is to be followed in the committee with regard to rule-making and the report that will be given will be the procedure relating to bills. The question is whether there is any provision in the rules that the whole House is to give any suggestion to any such committee before the committee frames its rules, because the committee is following all the rules relating to bills. Then, Sir, there is one information that I want to have, viz., whether the motion which has now been put forward before this House by Mr. Ormond does not run counter to the resolution which has already been passed by this House. That motion related to the procedure to be followed regarding bills. Now, Sir, we all know that when a bill is committed to a committee of the House, then during the sittings of that committee the House makes no suggestion in the framing of the provisions of that Bill. As a matter of fact, after the bill is finished, and it is reported to the House, then comes the time for the House as a whole to make amendments, either for additions to or subtraction, or for deletion of any provisions of the bill. And, therefore, so far as the motion put forward by Mr. Ormond is concerned, I say that it runs counter to the motion which we adopted in the last session, viz., that the procedure that is to be followed will be the procedure relating to bills as set out in the Rules and Standing Orders.

Then, Sir, there is another point which I want to place before the House.

Mr. PRESIDENT: You surely want an answer to your question, Mr. Das?

Mr. LALIT CHANDRA DAS: Yes, Sir.

Mr. PRESIDENT: Will Mr. Ormond reply to the remarks of Mr. Das that his motion runs counter to the resolution passed by the House last session? Personally, I do not think it goes against the resolution.

Mr. E. C. ORMOND: My submission is that the resolution that has been passed by the House is simply to the effect that there should be a committee—I forget the exact wording—to consider the framing of rules. Now, I have got hold of a copy of that resolution: it says that a committee be appointed to draft rules. Well, Sir, I fail to see—

Mr. LALIT CHANDRA DAS: Will the hon'ble member please read out the whole of the resolution?

Mr. E. C. ORMOND: I take it that the hon'ble member is referring to the last portion of that resolution that during the consideration by this Council of draft rules of the procedure relating to Bills as set out in the Rules and Standing Orders, and as modified and adopted for this Council under sub-section (3) of section 84 of the Government of India Act, 1935, shall, so far as may be, be followed. Well, Sir, I am not aware that if the House chooses to invite members to submit recommendations or suggestions to the committee, it in any respect runs counter to the procedure laid down by that section in the Act. If in case it does run counter to the procedure, what is there to prevent this House from modifying that procedure? If it is said that this committee should not act in such-and-such a way but that it ought to act in a better way, what is there to prevent this House from modifying the procedure accordingly? So, Sir, I fail to see the force of the argument of Mr. Das, but, of course, it is a matter for you, Sir, to decide.

Mr. PRESIDENT: Mr. Ormond, Mr. Das only asked a question, and you have answered it. What is your second question that you were going to put, Mr. Das?

Mr. LALIT CHANDRA DAS: This motion has been admitted under section 117 of the Rules and Standing Orders—.

Mr. PRESIDENT: Order, order. That is not correct. I have already said that I have treated it as a question of privilege. So, you need not go into that section.

Mr. LALIT CHANDRA DAS: That was my second point, Sir. So, I shall not refer to it now.

Khan Sahib ABDUL HAMID CHOWDHURY: Sir, in rising to support the motion moved by Mr. Ormond and as amended by the Maharaja of Santosh—

Several members: The Maharaja's amendment has not been accepted.

Mr. E. C. ORMOND: Would it be convenient, Sir, if I were allowed to make a few remarks with regard to—

Mr. PRESIDENT: Mr. Ormond, you need not make any observation now. I shall formally put it, and then the time will come for you to make any observations, you like. The Khan Sahib, however, can make any observations both as regards the motion and also on the amendment proposed.

Khan Sahib ABDUL HAMID CHOWDHURY: I think, Sir, no speech is required in this matter. I simply beg to state that I lend my support to the motion of Mr. Ormond as amended by the Maharaja of Santosh.

Mr. HUMAYUN KABIR: Mr. President, Sir, I want to draw the attention of the Maharaja of Santosh to the fact that his amendment is, strictly speaking, not relevant.

Mr. NAZIRUDDIN AHMAD: On a point of order, Sir. Mr. Kabir has already spoken once on this motion. Is he, therefore, entitled to speak again on the same motion?

Mr. PRESIDENT: No, no. I do not think so. He only raised a point of order.

Mr. HUMAYUN KABIR: I did not speak either on the amendment or on the original motion. I only drew your attention to a statement made by the Hon'ble the Finance Minister. I made no observations whatsoever either for or against the motion.

Mr. PRESIDENT: Yes.

Mr. HUMAYUN KABIR: With regard to this resolution of Mr. Ormond, to which I lend my whole-hearted support, I would like to draw your attention to the fact that it is stated here that it will be only advisable to make suggestions to the committee and if suggestions are to be made to the committee, there is no point whatever in making those suggestions after the committee has presented its report. If any suggestions are to be made at all, they should be made before and not after report, for as soon as a report is submitted, it becomes a matter for the consideration of the whole House. Then, the suggestions will be in the form

of amendments to the Bill or Report which will be moved on behalf of the committee. I, therefore, request the Maharaja of Santosh to agree to withdraw his amendment.

Mr. PRESIDENT: Before I put this resolution to vote, I would just like to make one observation that the hon'ble member, Mr. Humayun Kabir, thought that it was a question of privilege of this House. So far as I understood the Hon'ble the Finance Minister, I think that his preparation of a draft will be treated just like any other draft that may be submitted by any other member or group of members of this House. I take it that it should be the duty of the Council Department if any draft is to be prepared to be placed before the committee to have it made by our Secretary, and, of course, if particularly this resolution is accepted with amendment or without amendment, then it will offer greater facilities to other members to submit their views. This resolution will in no way take away the rights of the members, when the draft rules will come up before the House for its final acceptance, to move any amendment that they like. This resolution merely gives a suggestion and invites opinion that would facilitate the work of the committee.

The Hon'ble Mr. NALINI RANJAN SARKER: I have not been able to understand very clearly if it is the opinion of this House that we should not submit any draft. Somebody must start the thing, but we are not very anxious to encroach upon anybody's right. If it is thought advisable, my department will allow things to take their own course.

Mr. PRESIDENT: Yes, as I understand it, the House not only welcomes the draft of the Finance Minister, but invites any other suggestion that may be made by other. The House instead of restraining him is inviting him with other members of the House.

Since this resolution has been moved, there is an amendment which has been moved to the effect that the words "and in any event before, and not after, the making of its report" in lines 7 and 9 be deleted and that the words "immediately or" in line 12 be deleted.

Mr. E. C. ORMOND: Will it be in order to say that I readily accept the amendment that the words "immediately or" be omitted. With regard to the other amendment of the Maharaja of Santosh, in view of your ruling that this will not take away the right of the House, I do not see that it really arises, and I would also again stress the point which was raised by one of the speakers that—

Mr. PRESIDENT: Order, order. I have now placed the motion before the House and you cannot make a speech now. You have lost your chance of reply. I am sorry I did not specifically ask you to reply.

As regards the amendment, is it the desire of the House to permit Mr. Ormond to accept the amendment?

All agreed.

Mr. E. C. ORMOND: Sir, I accept only a portion of it, namely, the deletion of the words "immediately or."

The other portion of the amendment was then put to the vote and lost.

Mr. PRESIDENT: The question before the House is that this Council is of the opinion that, in order to obtain with the least possible delay, the greatest possible benefit from the deliberations and report of the Committee recently appointed in regard to the making of the new rules of this Council, it will be advisable that any suggestions which hon'ble members may desire to make in regard to the new rules should be made available for the consideration of the Committee, if possible, before the holding of the first sitting of such Committee, and on any event before, and not after, the making of its report. To this end it is now resolved that all members be to-day invited to communicate any suggestions regarding any matters which they consider ought to be embodied in the new rules to the Secretary of the Council as early as possible; and that the Secretary of the Council be directed to submit such communications before the Committee forthwith.

The resolution as amended was carried.

ADJOURNMENT MOTION.

Mr. PRESIDENT: I have received a notice from Mr. Lalit Chandra Das that he proposes to ask for leave to move a motion for the adjournment of the business of the House for the purpose of discussing a matter of definite public importance. The motion runs as follows:—

"This Council do adjourn its business to discuss a matter of urgent public importance, namely, the summary closing of the Rajshahi Government College *sine die* by an order of the Government of Bengal."

Before I put the matter to the House to enquire whether leave is granted, I would ask Mr. Das to explain how this matter is urgent.

Mr. LALIT CHANDRA DAS: In view of the fact that in the Assembly Mr. Sarat Chandra Bose, Leader of the Opposition, and Mr. Pramatha Nath Banerji have been deputed to enquire into and settle the matter at Rajshahi, I do not like to move the motion of which I gave notice.

Panel of Chairmen.

Mr. PRESIDENT: Under Rule 3 of the Bengal Legislative Council Rules, I nominate—

(1) Khan Bahadur Maulvi Abdul Karim,

(2) Dr. Radha Kumud Mookerji,

(3) Maharaja Sir Manmatha Nath Ray Chowdhury, of Santosh,
and

(4) Mr. J. A. McKerrow,

on the Panel of Chairmen for the current session.

GOVERNMENT BILLS.

THE SECRETARY (Mr. K. N. MAJUMDAR): I have received notices of five bills and those bills will be taken into consideration on the 17th instant.

Mr. PRESIDENT: I shall take up the bills in the order in which they appear.

Mr. HUMAYUN KABIR: On a point of information, Sir. With regard to amendments of bills in this House, it is laid down that ten days' notice has to be given. But in this case it is obviously impossible under the circumstances to do so. I would like to hear from you, Sir, what will be the time required in order to give notice of such amendments.

Mr. PRESIDENT: I have not considered this question: I am very thankful to you for making this suggestion. I extend the time till the 14th by which time members will be entitled to give notice of amendment. Will that be sufficient.

Mr. HUMAYUN KABIR: Yes, Sir.

Mr. RANAJIT PAL CHOUDHURY: May I submit, Sir, that we have only got one hour's working time to-day, and to-morrow and the day after being Saturday and Sunday, there will be no sitting of the Council and as such it is clear that we are brought here from the *muffasil* only for one hour. Thus we are a drain on the public exchequer for the next two days. Would it not be possible to hold these meetings on such days as would enable us to get a solid day's work? It would avoid a waste of public money.

Mr. PRESIDENT: The hon'ble member knows that it is not within the power of the President to fix these dates. Of course, in future when the rules will be made, it will be for the House to decide all these matters. But as it is at present, the President is as much helpless as the hon'ble member.

Adjournment.

The House then adjourned till 2-15 p.m. on Monday, the 13th September, 1937.

Members present:

The following members were present at the meeting held on the 10th September, 1937:—

- (1) Ahamed, Mr. Nur.
- (2) Ahmad, Mr. Naziruddin.
- (3) Ahmed, Mr. Mesbahuddin.
- (4) Baksh, Mr. Kader.
- (5) Barua, Mr. Arabinda.
- (6) Bose, Rai Bahadur Manmatha Nath.
- (7) Chakraverti, Mr. Shrish Chandra.
- (8) Chaudhury, Mr. Moazzemali.
- (9) Chowdhury, Khan Sahib Abdul Hamid.
- (10) Chowdhury, Mr. Khorshed Alam.
- (11) Chowdhury, Mr. Rezzaqul Haider.
- (12) Chowdhury, Mr. Hamidul Huq.
- (13) Chowdhury, Mr. Humayun Reza.
- (14) Cohen, Mr. D. J.
- (15) Das, Mr. Lalit Chandra.
- (16) Datta, Mr. Bankim Chandra.
- (17) Datta, Mr. Narendra Chandra.
- (18) D'Rozario, Mrs. K.
- (19) Dutta, Mr. Kamini Kumar.
- (20) Ellahi, Mr. S. Fazal.
- (21) Esmail, Khwaja Muhammad.
- (22) Goswami, Mr. Kanai Lal.
- (23) Haider, Nawabzada Kamruddin.
- (24) Hosain, Khan Bahadur Saiyed Muazzamuddin.
- (25) Hossain, Mr. Latafat.
- (26) Huq, Mr. Syed Muhammad Ghaziul.
- (27) Ibrahim, Khan Bahadur Maulvi Mohammad.
- (28) Jan, Khan Bahadur Shaikh Muhammad.
- (29) Kabir, Mr. Humayun.
- (30) Karim, Khan Bahadur M. Abdul.
- (31) Khan, Maulana Muhammad Akram.
- (32) Laidlaw, Mr. W. B. G.
- (33) Lamb, Mr. T.

- (34) Maitra, Rai Bahadur Brojendra Mohan.
- (35) McKerrow, Mr. J. A.
- (36) Molla, Khan Sahib Subidali.
- (37) Momin, Begum Hamida.
- (38) Mookerjee, Mr. Naresh Nath.
- (39) Mukherji, Rai Bahadur Satis Chandra.
- (40) Nichol, Mr. C. K.
- (41) Ormond, Mr. E. C.
- (42) Pal Choudhury, Mr. Ranajit.
- (43) Poddar, Mr. H. P.
- (44) Rahman, Khan Bahadur Ataur.
- (45) Rahman, Mr. Mukhlesur.
- (46) Rashid, Khan Bahadur Kazi Abdur.
- (47) Ray, Mr. Nagendra Narayan.
- (48) Ray Chowdhury, Maharaja Sir Manmatha Nath, of Santosh.
- (49) Roy, Rai Bahadur Radhica Bhusan.
- (50) Roy Chowdhury, Mr. Krishna Chandra.
- (51) Sanyal, Mr. Sachindra Narayan.
- (52) Sarker, Mr. Indu Bhusan.
- (53) Shamsuzzoha, Khan Bahadur M.
- (54) Singh Roy, Mr. Saileswar.
- (55) Sinha, Rai Bahadur Surendra Narayan.
- (56) Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur^g.
- (57) Wilmer, Mr. D. II.

Members absent:

The following members were absent from the meeting held on the 10th September, 1937:—

- (1) Banerjee, Rai Bahadur Keshab Chandra.
- (2) Hossain, Mr. Mohamed.
- (3) Khan, ~~Khan~~ Bahadur Muhammed Asaf.
- (4) Mookerji, Dr. Radha Kumud.
- (5) Sen, Rai Sahib Jatindra Mohan.

Ministers present:

The following Hon'ble Ministers attended the meeting held on the 10th September, 1937:—

- (1) The Hon'ble Mr. Abul Kasem Fazlul Huq, M.L.A., (Chief Minister).
- (2) The Hon'ble Mr. Nalini Ranjan Sarker, M.L.A.
- (3) The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., M.L.A.
- (4) The Hon'ble Sir Bijoy Prasad Singh Roy, M.L.A.
- (5) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, M.L.A.
- (6) The Hon'ble Maharaja Srischandra Nandy, of Kasimbazar, M.L.A.
- (7) The Hon'ble Mr. H. S. Suhrawardy, M.L.A.
- (8) The Hon'ble Nawab Musharruf Hosain, Khan Bahadur, M.L.A.
- (9) The Hon'ble Mr. Syed Nausher Ali, M.L.A.
- (10) The Hon'ble Mr. Prasanna Deb Raikut, M.L.A.
- (11) The Hon'ble Mr. Mukunda Behary Mullick, M.L.A.

BENGAL LEGISLATIVE COUNCIL

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 13th September, 1937, at 2-15 p.m., being the second day of the Third Session, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Present:

Mr. President (the Hon'ble Mr. SATYENDRA CHANDRA MITRA) was in the Chair. •

Fifty-seven members and ten Ministers were present.

QUESTIONS AND ANSWERS

Discussion on Questions and Answers which were not available.

The Secretary to the Council informed the Hon'ble the President that he had not received the Questions and Answers, although they had been sent to the Press on the 11th of September, at 8-30 p.m. They were expected this morning, but he had not yet received them.

MR. PRESIDENT: Order, order. Standing Order No. 14 enjoins that the first hour of every meeting shall be available for the asking and answering of Questions, and I understand from the Secretary that Questions with their Answers were ready, but that they had not yet come from the Press. It is well known to the hon'ble members of this House that no one has yet been appointed to be the Leader of the House. There is no Minister selected from the members of this House on whom I have control; so I am in an almost helpless position. You know the rights of this House, and the powers of its President are what members bestow upon him; and it is for the House to decide what steps to take if things are allowed to go on, in this way. If Hon'ble Ministers of Government like to explain Government's position, I should be glad to know why printed Questions have not been made available to-day, although they were sent to the Press on the 11th as the Secretary tells me.

The Hon'ble Mr. NALINI RANJAN SARKER: The Press is under my charge, Sir, but I do not know the facts. So, it is very difficult for me to defend or accuse the Press as to why they have failed to send the printed Questions and Answers to-day. I understand from the Secretary to the Council that the Question Papers were sent to the Press at 8-30 p.m. on Saturday night. Yesterday, being a Sunday, was a holiday. So, Sir, I submit, that is perhaps the reason why the Press has not been able to get them ready for to-day's meeting.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: May I point out, Sir, that there are several Questions which I sent in during the last session and which were not answered during that session. I gave notice for those same Questions to be carried forward to this session, but even then they have not yet been answered. Under your ruling, Sir, delivered on the last occasion, fifteen days' notice has to be given. So, as a matter of fact, I have given almost two months' notice, but still no answers are forthcoming.

The Hon'ble Mr. NALINI RANJAN SARKER: There is only one thing, Sir, which I want to say. I find that there are complaints from members almost daily, but I must appeal to them to consider our position also. We the Ministers have got to attend the Council and the Assembly meetings from 2-15 p.m. to about 8-30 p.m. almost daily, and not only to attend but also to prepare ourselves for the business of both the Houses. Considering all these things, and this being almost the first regular session, I hope hon'ble members of this House will please excuse us if we have not been able to make proper arrangements for these sittings. I may point out that during the next session we hope to make better arrangements.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Finance Minister please give an undertaking to this House that he will call for an explanation from the Press if it is their fault why the Questions have not been sent in time to be placed before the House and place their explanation before the House as soon as it is obtained?

The Hon'ble Mr. NALINI RANJAN SARKER: How can I ask for an explanation from them when I am myself satisfied that if Questions were sent to the Press at 8-00 p.m. or 8-30 p.m. on Saturday, they cannot possibly be printed in time for Monday's business at 2-15 o'clock? Of course, if the Council Department had given notice to me on Friday, I could have made arrangements for extra work on Sunday—for without the Finance Department's permission the Press cannot be kept opened on Sunday. And in that case the Questions would have been ready for to-day's business.

Khan Sahib ABDUL HAMID CHOWDHURY: Mr. President, Sir, from the very beginning of this Council we have been suffering from inconveniences caused by irregularities in the matter of answers to questions by Government. We understand from the Hon'ble Finance Minister that Questions were sent to the Press late, and sometimes we hear from the office that the Questions are sent in time to the Administrative Departments but that Answers are not available though they are to be sent without delay. So, I think it is high time that an inquiry should be made here to ascertain where the screw is loose, and proper action taken in the matter.

Mr. W. B. G. LAIDLAW: May I make a suggestion, Sir, that Questions and Answers, instead of being printed, should be duplicated? As the matter was ready on Saturday night, there was plenty of time for them to be typed and neatly stencilled and then duplicated, for production before this House in time.

Dr. RADHA KUMUD MOOKERJI: May I know, Sir, why the office was so late in sending the Questions for printing?

Mr. PRESIDENT: I have made inquiries in the office and asked the Secretary why he could not send those Questions and Answers to Press earlier, and this is his letter to me:—

“Sir, I have already submitted to you that it is not possible for me to carry on the work of the Council with the staff at present at my disposal. I have already written to the Home Department to give me at least some extra staff to enable me to carry out the work for the present session for the time being, and by way of reminder I have also telephoned to them personally. Up to now no action has been taken with the result that the Questions for to-day could only be got ready on Saturday when I sent them to the Press. But the Press telephoned to me just now that they would not be able to get the Questions ready before 3 p.m. to-day. There are various other works in the Council Department which are getting into arrears for want of adequate staff, and I hope you will be pleased not to blame the department for such laches and delay.”

I personally know that there have been complaints about insufficient staff for some time past, and I wrote to the Home Department that additional staff was absolutely necessary. I think the time has come when Government should realize that this House is not a subservient House, that it has its own independent entity, and from the very fact that there are no Ministers appointed from this House, there is every chance that its rights and privileges may be overlooked. I emphasize this point again. I gave my ruling that a non-member cannot be the Leader of the House. Since then some time has passed, but no one has been appointed as the Leader of the House. I have said repeatedly that it is by courtesy that Hon'ble Ministers of Government do come and attend our meetings, but I have no right to compel them to attend. I wish that as a self-respecting House you must assert your rights. As I understand the Government of India Act, 1935, a second chamber is not a mere revising chamber. Except in the case of financial bills, which must originate in the Assembly and in the matter of demand for grants, which is within the exclusive province of the Assembly, this Council is absolutely independent, and has as much right as the Assembly. This is an elected Chamber and is not a nominated or a hereditary House like some other second chambers are. So, it is for the

House to advise me, and I seek the advice and co-operation of the party leaders as to what steps should be taken to ensure that this House may not be neglected in this way.

Mr. SACHINDRA NARAYAN SANYAL: May I know, Sir, when the Leader of the House is going to be appointed? Will the Hon'ble Ministers be pleased to let us know that?

Mr. PRESIDENT: Hon'ble members know that I cannot compel Hon'ble Ministers to answer questions. It is well known that some responsible Ministers are always appointed from the Upper Chamber. It is so in the present Council of State, and in France three or four Ministers are selected from the Upper House.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I quite appreciate the difficulties that you are experiencing in this House for want of a Leader. On the last occasion, and to-day also, you have mentioned that because there are no Ministers from this House, you cannot choose a Leader of the House from amongst the Ministers. I quite appreciate that, but, I want you also, to recognize that under section 51 of the Government of India Act, 1935—

Mr. PRESIDENT: Order, order. Mr. Sarker, I do not say that a Leader must be appointed from among the Ministers. The Cabinet has got the right to appoint any member of this House as the Leader. It is presumed that they carry the majority, being the Ministry of the day. Certainly, they can also appoint anybody they like from amongst the Ministers, if he happens to be a member of this House.

The Hon'ble Mr. NALINI RANJAN SARKER: Technically, Sir, it is quite all right that this kind of complaint brought forward by this House cannot be dealt with by non-Ministers. So, Ministers must be present here to attend to complaints when they arise and set them right.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the complaints that have been made about the lack of adequate staff are not confined to this House alone. I would like to point out, and the reason why I want to impress this upon this House, is this that it is not merely due to the fact that this House has got no Minister from amongst its members that proper respect and attention is not being paid to them. But the reason why we have not yet been able to give adequate staff for the Legislative Council and the Legislative Assembly is that it is very difficult to assess or to decide what would be the adequate staff and the complaints that are being made here have already been made in the Assembly. The first point that I want to impress upon this

House so far as the inadequacy of the staff is concerned, is that no differentiation has been made in this matter between the Council and the Assembly. Both are in the same position. The difficulty of the Assembly and the Council Department is that we have got to decide on the staff which would be sufficient during the time when the Assembly and the Council are both sitting when there would be great pressure of work. But at the same time when there are no sittings of both the Houses, there is not much work to be done. Therefore unless we have practical experience of the working of the constitution and the sittings of the Assembly and the Council, it is not possible to decide what should be the adequate staff. We have to wait and gain actual experience before deciding the question of staff. It applies equally to the Assembly and the Council. I would not repeat again and again that there is no question of differentiation between the Assembly and the Council. Once you decide on a staff it is very difficult to reduce it. The members of both the Legislatures are very keen that the expenditure on establishment should be reduced as far as possible (Question). That was the dominant note in all the criticisms of the budget both in this House and in the Assembly. We do not want to commit Government to the staff until we know exactly what staff would be necessary.

Another thing which is most important is that the work in the Assembly and the Council differs from other departments and offices of Government in the province. To be able to do this work we have got to get trained men. There is no question, therefore, that Government have not been able to provide adequate staff either in the Council or in the Assembly. I regret that in spite of demands for assistance Government have not been able to give that assistance. I will look into the matter immediately, and I assure the Hon'ble the President and the Hon'ble the Speaker that if at any time there is pressure of work which it is not possible to carry on with the present staff, Government will lend their officers either from the Secretariat or from other departments to enable them to carry on the work and I say that immediately some assistance will be given to the Legislative Council so that their work can be done properly.

I would in conclusion impress upon the members of this House that at no time and never has any distinction or differentiation been made between the Assembly and the Council. The difficulty is such that it cannot be overcome in the first session. I most respectfully appeal to the Hon'ble the President to realise our difficulty also. We are trying our best to meet the situation which did not exist previously and naturally in the beginning of the first two sessions certain amount of inconvenience and difficulties we are bound to face.

There is another thing which my colleague reminded me of and that is the number of questions that the Government members have got to answer in both the Legislatures. The number is beyond all calculations

although the staff remains as before. The other day from the Legislative Assembly 400 unadmitted questions were sent up, i.e., without considering their admissibility or otherwise they were sent up to the department. There are departments which have got 300 or 400 questions before them and naturally with both the Council and Assembly sitting and with meetings of the Cabinet in the morning the time for answering the questions is very limited. We have tried our best as will be evident if we compare the number of questions that were sent to us with those that were answered. You will find, I am sure, that not more than 15 to 20 per cent. only have been left unanswered. The majority of them were answered in the Council.

The Raja Bahadur of Nashipur drew attention of the House to the notice of a question which he had given. What Government assure the House and you, Sir, is that as soon as it is intimated to Government that the questions which have not been answered should be answered in this session, the Government members will waive the question of proper notice and will reply to those questions. I do not mean that on the first or the second day of the session the questions will be answered, but that they will be answered before the session is over. Unfortunately the Chief Minister is not here otherwise he would have also assured the House that we are trying our best to cope with the difficulties as they arise and to meet them. We regret the inconvenience that is being caused and will try as far as possible in the future to remedy the defects and imperfections that may exist at the present time.

Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh: On behalf of my party I am quite willing to accept the assurance that the Hon'ble Home Minister has given that he will lend some officers to do the extra work that has got to be done in this session. But I do not agree with him when he offers the excuse that for inadequacy of staff he could not answer the questions put forward by the members of the House. That is a statutory obligation which the Government have got to fulfil and I think as members of this House we can insist on our questions being answered within a reasonable time. I hope the Hon'ble Home Minister will be able to give an assurance whether his staff is adequate or not that he will take immediate action and see that henceforth such lame excuses are not put forward from the Treasury Benches when answers to our questions are due.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of personal explanation, Sir. Government never put forward any excuse for not being able to answer the questions on the ground of inadequacy of staff. What I wanted to explain, when the Hon'ble the President read out a letter from the Secretary in which it was stated that the questions could not be sent to the Press earlier than on Saturday at 8-30 p.m.

on account of the inadequacy of the staff was, the reason why this inadequacy existed and why Government could not provide for adequate staff to the Council and Assembly from the beginning. I merely in the course of my statement drew the attention of the members to the fact that while the number of questions have been doubled and trebled the staff in the office was the same as before and I only put that excuse for the delay in answering the questions. We are answering all the questions and as I said we are going to answer all the questions that are put to Government before the session is over.

Mr. HUMAYUN KABIR: Mr. President, Sir, we appreciate very much the assurance given by the Hon'ble Home Minister. He suggested that the difficulties of answering the questions were due to the fact that as yet there was no proper experience and therefore it could not be calculated beforehand how many persons would be necessary for preparing answers to the questions in time. Our objection to that is simple. If Government is going to acquire experience, and it takes a long time in acquiring that experience, are the members going to wait till the time in which that experience is acquired? I would like to follow up the suggestion which was made by one of the hon'ble members that if the answers are sent by the respective departments to the Council, it may perhaps be possible for the Council Department to get the thing typed by the help of a duplicator. If that suggestion is followed, to some extent this difficulty could be overcome. If this requires additional staff, there should be additional staff. Our point is that if it is the statutory right of the House to get answers to these questions, the questions must be answered. The excuse of inadequacy of staff is no excuse at all. It is in fact really ignoring the House whatever the Hon'ble Home Minister might say.

With regard to the point that the questions would be answered some time, we know that, but it may be this session, this year, next year, some time, never. We know that to the questions of which notices were sent long before the session, no answers were forthcoming, and yet the Hon'ble Minister was pleased to assure us that if we wanted answers to our questions, we would have to wait and the answers would be forthcoming! I think this sort of delay of an unspecified time in answering questions will not satisfy us at all.

The Hon'ble Mr. SYED NAUSHER ALI: I rise only to clear a misconception which is at present hanging round the whole question. To my mind the difficulty has arisen only from inadequacy of staff in the Legislative Council. Many of the questions put by the hon'ble members of this House were sent to the departments concerned without scrutiny and without admission and then on the last occasion you were pleased to say that fifteen days will run from the date of admission of a question. Now, Sir, I do not know of other departments, but I can

say with regard to one question of my department which was sent in long ago, but subsequently it was admitted only on the 31st August. We have already sent in the reply and that reply relates to a question put by my friend the Raja Bahadur of Nashipur. Perhaps he was thinking of one of these questions—

Mr. PRESIDENT: Much time has already been taken up in this discussion and the Hon'ble Home Minister has explained the situation at some length. I fully appreciate the point that he made. I do not like to make any comparison, but our difficulty is that we have not got experienced staff in the Council Department. All the experienced staff of the old Council Department are now in the employ of the other House and the Hon'ble Home Minister must take some time to estimate what staff will be adequate for our purposes. As has been pointed out by the Maharaja of Santosh, the Hon'ble Minister should not take much time to provide the Council with adequate staff, so that work of the Council may not suffer.

Short-notice Question.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Education Department be pleased to state whether 150 boarders of the Rajshahi College Hindu Hostel went on hunger-strike on the night of the 24th August last?

If the answer be in the affirmative did they do so as a protest against the order of the authorities to vacate the second block of the building for the accommodation of three Moslem students?

Are Government aware that most of the boarders observe caste rules?

What were the grounds which precisely led the authorities to admit the non-Hindu boarders in the Hindu Hostel?

Do the Government intend to close down the Rajshahi College?

Mr. PRESIDENT: I understand that the Hon'ble Mr. Nalini Ranjan Sarker will answer on behalf of the Hon'ble Mr. Fazlul Huq.

The Hon'ble Mr. NALINI RANJAN SARKER (on behalf of the Minister in charge of the Education Department): An amicable settlement of the whole Rajshahi College affair is under consideration and therefore Government do not propose to answer this short-notice question.

Mr. PRESIDENT: There is notice of another short-notice question from Mr. Lalit Chandra Das.

The Hon'ble Khwaja Sir NAZIMUDDIN: That will be answered later on as the answer is not yet ready.

Mr. LALIT CHANDRA DAS: Sir, a promise was made on Friday that the answer would be ready to-day.

The Hon'ble Khwaja Sir NAZIMUDDIN: I did not then know the nature of the question.

Mr. PRESIDENT: It is not necessary to explain if you are not willing to answer the question now.

Mr Kader Baksh has also a short-notice question. Is the Hon'ble Minister in charge of the Department ready to answer?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I remember to have approved of the reply, but I am afraid it has not yet been printed. I have not got anything here with me.

Rai BROJENDRA MOHAN MAITRA Bahadur: My question also refers to the Rajshahi College.

Mr. PRESIDENT: The difficulty can be avoided if the Hon'ble Ministers who are not agreeable to accept short-notice questions—it is entirely at their discretion to accept them or not—please inform the office that they are not ready to accept short-notice.

NON-OFFICIAL BILLS.

The Bengal Relief to the Poor and Unemployed Bill, 1937.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. President, Sir, I rise to move that the Bengal Relief to the Poor and Unemployed Bill, 1937, be circulated for the purpose of eliciting public opinion thereon by the 30th November, 1937.

Sir, this is a very simple bill which requires of the Government to place annually a certain amount of money according to its discretion at the disposal of the Collectors of the districts for granting short-term loans to the unemployed agricultural labourers during off season and for gratuitous relief to the disabled indigents during such season. In view of the fact that this bill, if enacted and brought into operation, would involve expenditure from the revenues of the province, I have not purposely fixed the amount to be paid to each Collector. Government would be able to contribute any amount they liked in any particular year and could vary it from district to district according to the requirements of each. I do not like to tie the hands of the Government, but all I want, is that with the passing of this bill into an Act, Government will accept the principle that it is one of the duties of the State to give relief to the unemployed and to the indigents. Sir, be it mentioned to our shame and disgrace

that up till now our legislature have never thought of enacting any poor law although such laws have been in existence in other civilised countries from centuries past. In England poor laws were first introduced in 1601 and in Arabia they were introduced during the Prophet's time in the early part of the seventh century and recognised as one of the most cardinal principles of religion and enforced with utmost rigour. My bill attempts at a modest beginning in this direction and I am sure, Sir, there is none in the House who can object to the principle underlying the bill. There may be, however, some difference of opinion in the details and these could easily be settled by a Select Committee. But as I could not yet ascertain the views of His Excellency the Governor as to whether the necessary recommendation, as required under section 82(3) of the Government of India Act, 1935, will be made by him, I have thought it better to move for circulation so that the Minister who is to advise Government in this matter may have sufficient time to think over and give his opinion.

Mr. President, Sir, through you I would appeal, however, to the Hon'ble Revenue Minister to consider this bill—the very first legislation of its kind in Bengal—with the sympathy and consideration it deserves. Sir, if a modest legislation like this which does not really involve any appreciable burden on the revenues does not receive sympathetic consideration from popular Ministers the idea will gain ground that in spite of the reforms the angle of vision has not changed and the inauguration of the much advertised reforms was only a farce and a mockery.

Sir, our popular Ministers must show by their action and not by mere words that they accede to popular demand and they really feel for the poverty-stricken masses. We have got mass upliftment in our programme but how can we expect to achieve it if we are unwilling to raise our little finger to help the inarticulate mass in protecting themselves and the members of their family from sheer starvation.

With these remarks, Sir, I move the bill for circulation.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I at this stage have your ruling on one point? Because His Excellency the Governor has not recommended the consideration of the bill, shall I take that objection now or at a later stage?

Mr. PRESIDENT: If you want to take any legal objection you should take it at the earliest stage.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I would draw your attention to section 82(3) of the Government of India Act, 1935, where it is laid down that "A Bill which, if enacted or brought into operation, would involve expenditure from the revenues of a province

shall not be passed by a Chamber of the Legislature unless the Governor has recommended to that Chamber the consideration of the Bill." Whether it is now at the consideration stage or not, on that point I ask your ruling.

Mr. PRESIDENT: I think I should make this clear, because it may be necessary in other cases as well. In the history of parliamentary legislation it is well known that in many a bill that emerges from the Select Committee almost every sentence is changed in the Select Committee, excepting perhaps the preamble and title of the bill. Nobody is in a position to say at this stage what will be the final shape of the bill, so the proper time for making objection is when the bill will be moved for being taken into consideration.

The Hon'ble Sir BIJOY PRASAD SINCH ROY: Clause (3) says that a bill if enacted and brought into operation would involve expenditure. I ask for your ruling on this point.

Mr. PRESIDENT: The bill has already been introduced.

Mr. NAZIRUDDIN AHMAD: The question is not the bill as it is likely to emerge from the Select Committee but the bill, as it stands, would involve expenditure from the revenues of the province.

Mr. PRESIDENT: I think you are rather too late to oppose introduction of the bill now.

Mr. NAZIRUDDIN AHMAD: Sir, I simply wanted to draw your attention.

The Hon'ble Sir BIJOY PRASAD SINCH ROY: Do I understand, Sir, that it is your ruling that my objection should not be preferred at this stage?

Mr. PRESIDENT: The proper time would be when it emerges from the Select Committee or when it is taken into consideration.

The Hon'ble Sir BIJOY PRASAD SINCH ROY: There is no proposal for the Select Committee at this stage. It is merely for circulation.

Mr. PRESIDENT: When the stage for consideration or passing of the bill will come then you can raise your objection.

The Hon'ble Mr. H. S. SUHRAWARDY: After the consideration of the bill if the Governor's permission has not been given to the consideration of the bill, then all the time that the House has taken to consider the bill from the beginning until it emerges from the Select Committee will be a waste.

Mr. PRESIDENT: The Hon'ble Minister will appreciate that, it may be so changed in the Select Committee that Government may not have any ground to raise any objection. At this stage you do not know what shape the bill will take. By accepting the motion for eliciting public opinion the House is not even committed to the principle of the bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: But if the bill is referred to the Select Committee, as this bill involves a large expenditure, will not the House be committed to the principle of expenditure?

Mr. PRESIDENT: That is not the point at issue. The question of expenditure is not the principle of this bill. The principle of the bill is quite different. So far as this particular bill is concerned, the principle is to give relief to the poor and the unemployed.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Relief out of public revenues.

Mr. PRESIDENT: It may be so, but that is not the principle of the bill. On that issue the Minister may object to the particular clauses; but so far as the principle is concerned that is for the House now, to decide whether to accept the principle of giving relief or not.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If the bill is referred to the Select Committee, will not the House stand committed to the principle that relief should be given to the poor and unemployed out of public revenues.

Mr. PRESIDENT: That House is committed only to the principle that relief should be given.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I think it is a very important ruling and it affects both Government and the House vitally,

from what you have said just now. In reply to a point raised by Mr. Naziruddin Ahmad you said that the question of objection should have been taken before, that is, at the time of the introduction.

Mr. PRESIDENT: Mr. Naziruddin Ahmad raised a different point altogether. He was not referring to section 82(3) but was referring to section 82(1)(b).

Mr. NAZIRUDDIN AHMAD: I was referring to section 82(3).

Mr. PRESIDENT: Section 82(3) does not deal with introduction of bills, and you raised objection about introduction.

Mr. NAZIRUDDIN AHMAD: Sir, I was only drawing your attention to what you have yourself said about the words "shall not be passed". That is the authoritative clause. Therefore, as you have said, the question may be discussed from the point of view of this section. The House can take into consideration section 82(3) and say that it will leave that portion which involves "if enacted and brought into operation would involve expenditure from the revenues of a province". If that is the authoritative reference, the recommendation of the Governor will not be necessary for the consideration of a bill.

Mr. PRESIDENT: The hon'ble member is conceiving of one particular case. I can think of hundred others, how a bill in the Select Committee may come out in a shape that Government may not have reason to take any exception to.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, your ruling was that if the principle was not the question of expenditure from Government funds, then it could be referred to the Select Committee and the House will not be committed to expenditure. Supposing the fundamental principle behind the bill is the question of expenditure from Government fund and it is referred to the Select Committee, the House is committed to the principle. In that case Government must also be committed; if that is accepted, how can the Governor refuse permission.

Mr. PRESIDENT: Even if the bill is referred to the Select Committee, there is no difficulty as the Governor is not bound to accept the decision of the Select Committee. The proper time to take exception is at the third reading of the bill.

The motion that the Bengal Relief to the Poor and Unemployed Bill, 1937, be circulated for the purpose of eliciting opinion thereon by the 30th November, 1937, was put and agreed to.

The Bengal Fisheries Bill, 1937.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, I beg to move that the Bengal Fisheries Bill, 1937, be referred to a Select Committee consisting of—

- (1) The Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca, Minister in charge of the Agriculture and Industries Department,
- (2) Mr. Lalit Chandra Das,
- (3) Mr. E. C. Ormond,
- (4) Khan Bahadur Ataur Rahman,
- (5) Mr. Indu Bhusan Sarker,
- (6) Mr. Naresh Nath Mookerjee,
- (7) Mr. Mesbahuddin Ahmed, and
- (8) the mover,

with instructions to submit their report by the 30th November, 1937, and that the number of members whose presence shall be necessary to constitute a quorum shall be three.

Sir, in moving the reference of this bill to a Select Committee, I would like to submit before this House that this bill is as important a piece of legislation as that of the Bengal Tenancy Amendment Bill, or rather—

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise on a point of order. Has the honourable mover taken the consent of the members as to whether they are willing to serve on the Select Committee?

Mr. PRESIDENT: It is to be presumed that Mr. Chakraverti has got the consent of the members whose names he has proposed. It is usual to obtain the consent before putting in the name. As this House is new and if it is not known to the members, I would remind them that before proposing names for a Select Committee the members whose names are put in, should be consulted.

Mr. HUMAYUN KABIR: Sir, may we not take it that if no objection is taken by the member concerned to serve on the Select Committee, it is tantamount to consent?

Mr. PRESIDENT: It is a matter of etiquette that the consent of the member concerned should be obtained before his name is proposed. I desire hon'ble members to secure the consent of the members concerned before putting in their names.